

REMARKS

Review and reconsideration of the Final Office Action of March 05, 2007, is respectfully requested in view of the above amendments and the following remarks.

Claim 18 was cancelled. The subject matter of Claim 18 has been added to independent Claims 16-17 and 19. Applicants respectfully request the Examiner to enter the present amendment in view that the subject matter added to Claims 16-17 and 19 was already part of cancelled Claim 18.

Claim 20 has been amended by replacing the term "containing" with the term "consisting of".

No new matter has been entered to the claims by the present amendment.

For the reasons set forth below, Applicants believe that the present set of claims is novel and not obvious over the cited art.

The main difference between the present invention and the main cited reference (Von Kohorn) is that the product of the present invention is not a laminated but rather a single layer product having all the active ingredients exposed to the outer layer of the product.

All the independent claims of the pending set of claims require mixture comprising all the active ingredients; then the mixture is poured into a thin layer solid matrix. By using a mixture to form the layer, the present invention is teaching away from forming different layers (laminated).

The Von Kohorn reference forms the solid matrix by placing different layers over a substrate. Each layer is made of a different component. Thus, the outer layers of the substrate only expose one active ingredient at the time.

By using a mixture of the active ingredients to form the solid matrix, the present invention teaches away from laminating each active ingredient into a substrate.

Applicants discovered that having all the active ingredients in the same layer has its advantages. The Grandlure attracts the weevils and the vapor from the dichlorovos kills the weevils. Specifically, the dichlorovos speeds up the release of Grandlure from the matrix, while the plasticizer slows the release of the Grandlure. The divergent forces of the dichlorovos and the plasticizer acting on the Grandlure creates a condition wherein the active ingredients are released simultaneously over a sustained period of time giving it a longer life than just using a pheromone and an insecticide in separate dispensers. There is no teaching in the Smith reference, that when combined with the realm of public knowledge suggests the solid matrix composition of Applicant invention.

For the reason set forth in the previous Amendment (Amendment C) Applicants believe that Claim 20 is novel in view of the cited art.

Furthermore, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number to arrange a telephone interview.

Office Action

Turning to the Office Action, the paragraphing of the Examiner is adopted.

Detailed Action

The Examiner indicated that Claims 7-8 and 12 stand withdrawn from further consideration as to being drawn to a non-elected invention.

The position of the Examiner can be found on page 2 of the Office Action.

Applicants note that on the previous Office Action, the Examiner indicated that the method claims will be rejoined to the product claims, if the product claims are found allowable and the method claims include all the limitations of the product claims.

Applicants respectfully request that the Examiner re-join the groups in the case that the product claims are found allowable.

Anticipation rejection

The Examiner rejects Claims 2-4, 6, 10-11, and 16-20 under 35 U.S.C. 102(b) as being anticipated or in the alternative under 35 U.S.C. 103(a) as being obvious over Von Kohorn (US Patent No. 4,160,335)

The position of the Examiner can be found on pages 2-3 of the Office Action.

Applicants respectfully traverse.

Please note that for a reference to anticipate, it must contain all the elements of the Claim.

Applicants reviewed the Von Kohorn reference and note that this reference uses a laminated (2 or more layers) dispenser by coating a cellophane film with a PVC plastisol prepared by mixing a PVC resin, plasticizer, thickener, a pest attractant, and a chemosterilant. Additional layer of nylon scrim and cellophane film were added and the product pressed at 290°F. (See Examples 1 and 2)

All the claims of the present invention require a mixture (A composition of two or more substances that are not chemically combined with each other and are capable of being separated. of the active ingredients); then, the mixture is poured into a thin layer.

The main difference between the present invention and the main cited reference (Von Kohorn) is that the product of the present invention is not a laminated but rather a single layer the product having all the active ingredients exposed to the outer layer of the product.

All the independent claims of the pending set of claims require mixture comprising all the active ingredients; then the mixture is poured into a thin layer solid matrix.

The Von Kohorn reference forms the solid matrix by placing different layers over a substrate. Each layer is made of a different component. Thus, the outer layers of the substrate only expose one active ingredient at the time. Furthermore, the reference recommended placing the pest control agent and the attractant agent in different

layers in order to control the migration of the agents from the interior layers. (Column 6, lines 15-20). Thus, the reference is teaching away from mixing all the ingredients and forming a single layer having all the ingredients that is the future of the present invention.

By using a mixture of the active ingredients to form the solid matrix, the present invention teaches away from laminating each active ingredient into a substrate. Because all the ingredients form part of the same layer.

Applicants discovered that having all the active ingredients in the same layer has its advantages. The Grandlure attracts the weevils and the vapor from the dichlorovos kills the weevils. Specifically, the dichlorovos speeds up the release of Grandlure from the matrix, while the plasticizer slows the release of the Grandlure. The divergent forces of the dichlorovos and the plasticizer acting on the Grandlure creates a condition wherein the active ingredients are released simultaneously over a sustained period of time giving it a longer life than just using a pheromone and an insecticide in separate dispensers.

There is no teaching in the Von Kohorn reference, that when combined with the realm of public knowledge suggests the mixture of all the ingredients prior to form the solid matrix composition of Applicant invention.

For the reason set forth in the previous Amendment (Amendment C) Applicants believe that Claim 20 is novel in view of the cited art.

Regarding Claim 20

Claim 20 has been amended by replacing the term "containing" with the term "consisting of".

Claim 20 includes the closed transitional phrase "consisting of"; this terminology is interpreted to mean that any embodiment that does not contain exactly (no more or no less than) the elements recited in the claims is not considered to be encompassed by the claim. The terminology may include the presence of trace amounts of additional components that are normally present as impurities.

For the reason set forth in the previous Amendment (Amendment C) Applicants believe that Claim 20 is novel in view of the cited art.

Accordingly, withdrawal of the rejection is respectfully requested.

Obviousness rejection

The Examiner rejects Claims 2-4, 6, 10-11, and 14-20 under 35 U.S.C. 103(b) as being obvious over Von Kohorn in view of Rowe and Ogawasara (US Patent No. 3,888,830).

The position of the Examiner can be found on pages 4-5 of the Office Action.

Applicants respectfully traverse for the same reason set forth above and the following remarks.

Applicant's position regarding the Von Kohorn reference can be found above.

Please note that the Ogawasara reference, as well as the Rowe reference, belongs to a different field of invention compared with Von Kohorn.

Rowe is directed to a method and apparatus for producing a decorative surface covering sheet. The Ogawasara reference is directed to curable compositions. Neither of the references are directed to a composition for a pesticide.

Section 103 requires us to presume full knowledge by the inventor (more properly, of the person of ordinary skill in the art) of the prior art in the field of his endeavor... but it does not require us to presume full knowledge by the inventor of prior art outside the field of his endeavor, i.e., of "nonanalogous" art.

The mere fact that it is possible for two isolated disclosures to be combined does not render the result of that combination obvious, absent a logical reason of record which justifies the combination. In re Regel et al. (CCPA 1975) 188 USPQ 136. To properly combine two references to reach a conclusion of obviousness, there must be some teaching, suggestion or inference in either or both of the references, or knowledge generally available to one of ordinary skills in the art, which would have led one to combine the relevant teachings of the two references.

In the present case, the prior art has not recognized the result-effective capability of having all the active ingredients on the surface area of the single layer solid matrix; thus, no expectation

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AMENDMENT D AND REQUEST FOR A TELEPHONE INTERVIEW


Attorney Docket: 4011.001

would exist that optimizing the parameter would successfully yield the desired improvement. In re Antonie.

Accordingly, withdrawal of the rejection is respectfully requested.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number to confirm the date and time of the interview.

Respectfully submitted,



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Date: **May 31, 2007**

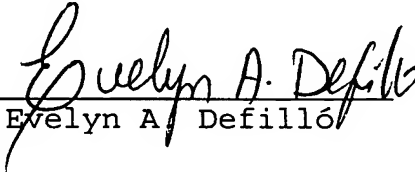
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CERTIFICATE OF MAILING

I hereby certify that the foregoing AMENDMENT D AND REQUEST FOR A TELEPHONE INTERVIEW for U.S. Application No. 10/752,801 filed January 07, 2004, was deposited in first class U.S. mail, with sufficient postage, addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on May 31, 2007.



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